

REMARKS

Reconsideration and allowance of the subject application as respectfully requested.

This response is timely filed within three-months from the 16 November 2007 Office Action mailing date. Please charge any required fees to have this Response entered, including extension fees, to our deposit account No. 500687.

Claims 1-11 are pending in the application.

Basis for the language "the predetermined value is selected as a value larger than a tension loss from the tension varying means to the tension detecting means" can be found in the originally filed application, including at page 24, first paragraph. Basis for new claims 4, 5, 10 and 11 can be found in the originally filed application including at page 22, last paragraph. Basis for new claims 6 and 7 can be found in the originally filed claims. Basis for new claims 8 and 9 can be found in the originally filed claims and application. No new matter has been added. Applicants reserve the right to pursue the full breadth of the originally filed claims in a continuation application.

In response to the objection to the abstract at paragraph 1 on page 2 of the Office Action, the abstract has been amended to remove the reference characters, as set forth above. No new matter has been added. Accordingly, withdrawal of the objection to the abstract is respectfully requested.

In to the objection to the specification at paragraph 2 on page 2 of the Office Action, the specification has been amended to correct minor errors, as set forth in the substitute specification. No new matter has been added. Accordingly, withdrawal of the objection to the specification is respectfully requested

The rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph, at paragraph 4 on page 2 of the Office Action, is obviated by the amendments to the claims as set forth above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claim 1 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,765,774 (Maekawa) in view of JP 11-170966 (Midorikawa), at paragraph 6 on page 4 of the Office Action, is respectfully traversed. Claim 1 is not obvious over the theoretical combination of Maekawa and Midorikawa for the following reasons.

The Examiner argues that Maekawa discloses a control device 60, which controls an ultrasonic motor 10 and gives a tension to a seat belt, comprises a tension sensor 63 (corresponding to the tension detecting means of the present invention) that detects a tension of the seat belt, and a buckle sensor 68 (corresponding to an attachment/detachment detecting means of the present invention) that detects a seat belt tongue being engaged with a buckle.

The Examiner admits that the seat belt retractor of Maekawa does not comprise a failure detecting means that compares an actual tension on the seat belt, which is detected by the tension detecting means, with a tension applied by a tension varying means to the seat belt.

The Examiner argues that Midorikawa discloses a tension sensing system to troubleshoot the difference between a driving means tension and the actual tension. Based on a waveform of current flowing through a DC motor driver 11 (corresponding to the control unit of the present invention) which controls a DC motor 10, a failure of the DC motor driver is diagnosed by comparison with a predetermined value. In contrast to the present invention, Midorikawa's system does not comprise a tension detecting means that detects a tension given to a seat belt and a failure detecting means that compares an actual tension on the seat belt, which is detected by the tension detecting means, with a tension applied by a tension varying means to the seat belt via a control unit. That is, the system is different from the system of the present invention, in that it does not detect at least one of a failure of the tension detecting means and a failure of the tension varying means by comparing an actual tension of the seat belt, which is detected by the tension detecting means, with a tension applied by a tension varying means to the seat belt via a control unit.

Furthermore, the combination of references does not teach or suggest configuring the tension detecting means and tension varying means such that “to detect failures of at least one of the tension varying means and the tension detecting means when a difference between the tension applied by the tension varying means and the actual tension measured by the tension detecting means is greater than a predetermined value, wherein the predetermined value is selected as a value larger than a tension loss from the tension varying means to the tension detecting means.”

The claimed invention provides the unexpected advantage that errors in either or both of the tension varying means or the tension detecting means in real time and the user of a vehicle immediately alerted to the error and/or the error can be taken into account by the airbag control unit. None of the references alone or in combination teach or suggest these advantages.

In view of the differences between the claimed invention the combination of references, and the unexpected advantages of the claimed invention, withdrawal of the Section 103 rejection is respectfully requested.

The rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Maekawa in view of Midorikawa as applied to claim 1 and further in view of JP 2002-114130 (Ono), at paragraph 7 on page 5 of the Office Action, is respectfully traversed. Claim 2 and 3 are not obvious over the theoretical combination of Maekawa, Midorikawa, and Ono for the reasons provided above, and for the following reasons.

While Ono discloses a sensing means 30 (corresponding to the tension detecting means of the present invention) which accurately detects a tension given to a seat belt in an electrical and linear manner is connected to a base member 20, it does **not** comprise a failure detecting means that compares tension given to the seat belt, which is detected by the tension detecting means, with a tension given by a tension varying means to the seat belt via a control unit.

Furthermore, the combination of references does not teach or suggest configuring the tension detecting means and tension varying means such that “to detect

failures of at least one of the tension varying means and the tension detecting means when a difference between the tension applied by the tension varying means and the actual tension measured by the tension detecting means is greater than a predetermined value, wherein the predetermined value is selected as a value larger than a tension loss from the tension varying means to the tension detecting means.”

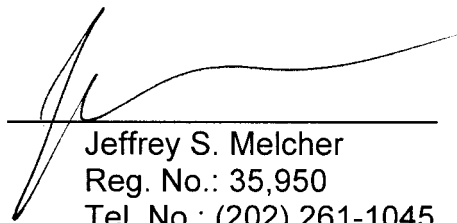
For these reasons, the Section 103 rejection should be withdrawn.

In view of all of the objections and rejections of record having been addressed, Applicants submit that the application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,

Manelli Denison & Selter PLLC

By

A handwritten signature in black ink, appearing to read 'Jeffrey S. Melcher', is written over a horizontal line.

Jeffrey S. Melcher
Reg. No.: 35,950
Tel. No.: (202) 261-1045
Fax. No.: (202) 887-0336